STATUTORY INSTRUMENTS

2019 No. 577

The Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019

PART 6

Enforcement

Penalties for offences

28.—(1) A person who commits an offence under any provision of Part 3 (Finance) or regulation 20 (finance: licensing offences), is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding **[**[F1]the general limit in a magistrates' court**]** or a fine (or both);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding 7 years or a fine (or both).

(2) A person who commits an offence under regulation 9(6) (confidentiality) **[**[F2]or 20A (director disqualification: licensing offences)**]** is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding **[**[F3]the general limit in a magistrates' court**]** or a fine (or both);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

(3) A person who commits an offence under regulation 21(6) or 25 (information offences in connection with Part 3) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 6 months or a fine (or both);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

(4) In relation to an offence committed before **[**[F4]2nd May 2022**]** the reference in each of paragraphs (1)(a) and (2)(a) to **[**[F5]the general limit in a magistrates' court**]** is to be read as a reference to 6 months.

Textual Amendments

F1 Words in reg. 28(1)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(2), **Sch. Pt. 2**

F2 Words in reg. 28(2) inserted (5.6.2024) by The Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2024 (S.I. 2024/644), regs. 1(2), **8(10)**

F3 Words in reg. 28(2)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(2), **Sch. Pt. 2**

F4 Words in reg. 28(4) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(2), **Sch. Pt. 2**

F5 Words in reg. 28(4) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(2), **Sch. Pt. 2**

Commencement Information

I1 Reg. 28 in force at 31.12.2020 by S.I. 2020/1416, **reg. 2(2)**

Liability of officers of bodies corporate etc

29.—(1) Where an offence under these Regulations, committed by a body corporate—

(a) is committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, or

(b) is attributable to any neglect on the part of any such person,

that person as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Paragraph (1) also applies in relation to a body that is not a body corporate, with the substitution for the reference to a director of the body of a reference—

(a) in the case of a partnership, to a partner;

(b) in the case of an unincorporated body other than a partnership—

(i) where the body's affairs are managed by its members, to a member of the body;

(ii) in any other case, to a member of the governing body.

Commencement Information

I2 Reg. 29 in force at 31.12.2020 by S.I. 2020/1416, **reg. 2(2)**

Jurisdiction to try offences

30.—(1) Where an offence under Part 3 (Finance), regulation 9(6) (confidentiality), regulation 20 (finance: licensing offences), regulation 21(6) (finance: reporting obligations) or regulation 25 (information offences in connection with Part 3) is committed in the United Kingdom—

(a) proceedings for the offence may be taken at any place in the United Kingdom, and

(b) the offence may for all incidental purposes be treated as having been committed at any such place.

(2) Where an offence under these Regulations is committed outside the United Kingdom—

(a) proceedings for the offence may be taken at any place in the United Kingdom, and

(b) the offence may for all incidental purposes be treated as having been committed at any such place.

(3) In the application of paragraph (2) to Scotland, any such proceedings against a person may be taken—

(a) in any sheriff court district in which the person is apprehended or is in custody, or

(b) in such sheriff court district as the Lord Advocate may determine.

(4) In paragraph (3), "sheriff court district" is to be read in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act) [M1].

Commencement Information

I3 Reg. 30 in force at 31.12.2020 by S.I. 2020/1416, **reg. 2(2)**

Marginal Citations

M1 1995 c.46.

Procedure for offences by unincorporated bodies

31.—(1) Paragraphs (2) and (3) apply if it is alleged that an offence under these Regulations has been committed by an unincorporated body (as opposed to by a member of the body).

(2) Proceedings in England and Wales or Northern Ireland for such an offence must be brought against the body in its own name.

(3) For the purposes of proceedings, for such an offence brought against an unincorporated body—

(a) rules of court relating to the service of documents have effect as if the body were a body corporate;

(b) the following provisions apply as they apply in relation to a body corporate—

(i) section 33 of the Criminal Justice Act 1925 [M2] and Schedule 3 to the Magistrates' Courts Act 1980 [M3];

(ii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 [M4] and Article 166 of, and Schedule 4 to, the Magistrates' Courts (Northern Ireland) Order 1981 [M5].

(4) A fine imposed on an unincorporated body on its conviction of an offence under these Regulations is to be paid out of the funds of the body.

Commencement Information

I4 Reg. 31 in force at 31.12.2020 by S.I. 2020/1416, **reg. 2(2)**

Marginal Citations

M2 1925 c.86, as amended by the Statute Law (Repeals) Act 2004 (c.14), **section 1(1)** and Schedule 1, Part 17. Other amendments have been made to section 33 that are not relevant to these Regulations.

M3 1980 c.43. Amendments have been made to Schedule 3 that are not relevant to these Regulations.

M4 1945 c.15 (N.I.).
M5 S.I. 1981/1675 (N.I. 26).

Time limit for proceedings for summary offences

32.—(1) Proceedings for an offence under these Regulations which is triable only summarily may be brought within the period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the prosecutor's knowledge.

(2) But such proceedings may not be brought by virtue of paragraph (1) more than 3 years after the commission of the offence.

(3) A certificate signed by the prosecutor as to the date on which the evidence in question came to the prosecutor's knowledge is conclusive evidence of the date on which it did so; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(4) In relation to proceedings in Scotland—

(a) section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date of commencement of summary proceedings) applies for the purposes of this regulation as it applies for the purposes of that section, and

(b) references in this regulation to the prosecutor are to be treated as references to the Lord Advocate.

Commencement Information
I5 Reg. 32 in force at 31.12.2020 by S.I. 2020/1416, **reg. 2(2)**

Application of Chapter 1 of Part 2 of Serious Organised Crime and Police Act 2005

33. Chapter 1 of Part 2 of the Serious Organised Crime and Police Act 2005 (investigatory powers) [M6] applies to any offence under Part 3 (Finance) and regulation 20 (finance: licensing offences).

Commencement Information
I6 Reg. 33 in force at 31.12.2020 by S.I. 2020/1416, **reg. 2(2)**

Marginal Citations
M6 2005 c.15. Chapter 1 of Part 2 has been amended by the Terrorism Act 2006 (c.11), **section 33(3)** and (4); the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33), **sections 26(2)** and 30(2) and Schedules 3 and 5; the Bribery Act 2010 (c.23), **section 17(2)** and Schedule 1; the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **section 203** and Schedule 7, para 77; the Crime and Courts Act 2013 (c.22), **section 17(4)** and Schedule 8, paragraphs 157 and 159; the Criminal Finances Act 2017 (c.22), **section 51(1)**; the Act, section 59(4) and Schedule 3, paragraph 4; and S.I. 2014/823.

Changes to legislation:
There are currently no known outstanding effects for the The Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019, PART 6.